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**LETTER FROM THE PRINCIPAL PRIVATE SECRETARY, FIRST
MINISTER REQUESTING CONSENT OF HER MAJESTY**

To: **The Private Secretary to The Queen
Buckingham Palace,
London
SW1A 1AA**

Dear Sir

HISTORIC ENVIRONMENT (WALES) BILL

Please find enclosed two copies of the **Historic Environment (Wales) Bill**, for which the Consent of Her Majesty is sought.

Statutory background

Section 111(4) of the Government of Wales Act 2006 states:

“The standing orders must include provision for securing that the Assembly may only pass a Bill containing provisions which would, if contained in a Bill for an Act of Parliament, require the consent of Her Majesty or the Duke of Cornwall if such consent has been signified in standing orders.”

Standing Order 26.67 of the National Assembly for Wales further states:

“If a Bill contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government during proceedings on the Bill at a meeting of the Assembly.”

Purpose of the Bill

The Historic Environment (Wales) Bill forms part of a suite of legislation, policy, advice and guidance that makes improvements to the existing systems for the protection and sustainable management of the Welsh Historic environment. In broad terms, the Bill gives more effective protection to listed buildings and scheduled monuments, enhances existing mechanisms for the sustainable management of the historic environment, and introduces greater

transparency and accountability into decision taken on the historic environment. The Bill amends the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Bill creates new measures that:

- allow the Welsh Ministers to put an immediate halt to unauthorised works to scheduled monuments and make it easier for action to be taken against those who have damaged or destroyed monuments;
- enable authorities to act quickly if a listed building is under threat from unauthorised works and give them greater flexibility in dealing with historic buildings that require urgent works to protect them from further decay;
- make it easier for owners or developers to create sustainable new uses for unlisted historic buildings by relaxing the conditions for applications for certificates of immunity from listing;
- create a statutory register of Wales' historic parks and gardens;
- allow owners of historic assets to negotiate partnership agreements with consenting authorities for a period of years, eliminating the need for repeated consent applications for similar works and encouraging more consistent and coherent management of the buildings or monuments;
- secure a more stable future for Wales' historic environment records, which provide detailed information and advice on the historic environment to local planning authorities and the public;
- make existing structures for the designation of nationally important historic assets more open and transparent by introducing formal consultation with owners and establishing a mechanism to review decisions; and
- establish an independent panel to advise on historic environment policy and strategy at a national level in Wales.

The key aims of the Bill are:

- introduce greater transparency and accountability into decisions taken on the historic environment;
- give more effective protection to listed buildings and scheduled monuments; and
- enhance existing mechanisms for the sustainable management of the historic environment

How the Bill could affect the Crown

The Bill is amending the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 in Wales. These Acts bind the Crown and in so far that the Bill makes amendments to those Acts, the provisions of the Bill will also bind the Crown.

The Bill amends, or inserts new provisions into Acts that already say their provisions bind the Crown. However where new provisions are introduced, these have been included in the Crown land provisions e.g. section 50 of the Ancient Monument and Archaeological Areas Act 1979 will be amended to state that Crown land may be included in the register of historic parks and gardens (see section 41A).

The Bill also makes consequential amendments to ensure that any provisions that apply to the Church of England are unaffected by the amendments introduced by the Bill.

Our view is that no prerogative rights are affected by the Bill.

Amendments

Stage 2 scrutiny of the Bill took place on 26 November 2015. At the moment, the Deputy Minister for Culture, Sport and Tourism is not intending to table any amendments in Stage 3 that will affect those provisions in the Bill that might affect the Queen's interests. However, where necessary, the intention is to seek consent for any other amendments tabled.

Consent

I respectfully ask the **Queen** for consent, in so far as she may be affected by the Bill as introduced. Please be aware that, if granted, consent will need to be signified to the National Assembly for Wales on **2 February 2016**.

Thank you for considering this request and please let us know if we can be of any further assistance to you.

Yours sincerely

Des Clifford
Principal Private Secretary, First Minister

Enc: Two copies of the Bill

cc: Secretary to the Duchy of Cornwall, If the Crown Estate is affected, a copy is also sent to:
The Secretary to the Crown Estate Commissioners

Julian Smith, Messrs Farrer and Co., 66 Lincoln's Inn Fields, London, WC2A 3LH